

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KOLO, LLC,

Plaintiff,

v.

No.: 07-Civ.-10653 (CM)

KATE'S PAPERIE, LTD.,

Defendant.
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RESPONSE OF KATE'S PAPERIE TO
MOTION OF KOLO LLC TO EXTEND TIME

In response to Plaintiff Kolo LLC's Motion, filed May 20, 2008, for an extension of time to respond to Defendant Kate's Paperie's Motion to Strike, Kate's respectfully offers the following:

1. Kolo's motion, in paragraphs 3 and 5 (at p. 2), asserts that settlement negotiations taking place before Justice Cooper of Landlord-Tenant Court are intended to "resolve all disputes" between Kolo and Kate's, including the instant action. However, I am informed that *barely an hour prior to filing the instant motion*, Mr. Stapleton asserted to Justice Cooper that Kolo's negotiations on May 14, 2008 and May 20, 2008 were intended to resolve only the litigation pending in Landlord-Tenant Court, and not the other litigations commenced by Kolo before Your Honor and Justice Shulman in Supreme Court, New York County. It is fair to say that Mr. Stapleton's assertion before Justice Cooper took everyone by surprise, and served to

stall the negotiations. Kolo's motion herein may be intended to further slow any negotiation process.

2. When Mr. Stapleton telephoned me with regard to an extension for Kolo's time to respond to Kate's motion, he gave no reason whatsoever to warrant the extension. Likewise, Plaintiff's motion paper offers no real reason to merit the extension. The motion does not state that Kolo's counsel will be unable to answer on or before the due date. The motion does not identify any other hardship or difficulty that would serve to justify extending the date for response. It appears that Kolo simply wants to avoid having to explain on the record its conduct regarding the Third Amended Complaint.

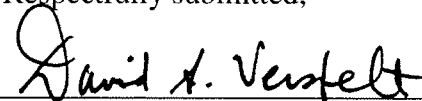
Defendant Kate's respectfully suggests that Kolo's motion is nothing more than another maneuver to relieve pressure on Kolo to come to grips with its legal position, while potentially permitting Kolo to remain ever longer in Kate's Spring Street Store.

Kate's respectfully requests that the Court deny Plaintiff's motion.

Dated: New York, New York
May 20, 2008

Respectfully submitted,

By:



David S. Versfelt (DV 8935)

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